



NORTH CAROLINA CENTER FOR
PUBLIC POLICY RESEARCH INC.

NEWS RELEASE

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N.C. CENTER SAYS GENERAL ASSEMBLY SHOULD CULL OLD STATUTES

It's a good thing Charles Dickens never covered the North Carolina General Assembly. If he had, his Oliver Twist character, Mr. Bumble, would have had to scale new rhetorical heights. It was Mr. Bumble who remarked, "If the law supposes that ... the law is a ass -- a idiot."

But if Dickens were to glimpse the legal wreckage left on the statute books by the N.C. General Assembly, Mr. Bumble might have been speechless with conniptions, the fantods and a heavy dose of the vapors. For the state's General Statutes -- some of them more than 200 years old -- suppose things that are simply baffling.

Consider a few of the choicer general statutes that make it a crime:

- to sell cotton lint at night (enacted in 1874);
- to hold a dance marathon or walkathon (1935);
- to permit dogs to "pursue, worry or harass" any squirrel on the state Capitol grounds (1929);
- to cuss aboard a passenger train, but not on a freight train (1907);
- to swear anywhere in public, save within the sanctuary counties of Pitt in the East and Swain in the West (1913);
- to allow a stone-horse or stone-mule to run at large, except in certain parts of Dare County (1907);
- to speak with a student at a college for women while on school property (1925); or
- to allow the exhibition of a stallion or jackass within half a mile of a rural church service (1800).

And that's not all. "There's a long string of what can only be described as strange, dumb, outmoded, outdated, or plain old outlandish laws still on the books in North Carolina -- and they ought to be removed," says Jack Betts, associate editor of North Carolina Insight and author of the article containing the research on the old statutes.

In fact, legislation to expunge the state's laws of unenforceable legal clutter and modernize the state's criminal code is pending before the General Assembly. It could be revived when the 1986 legislature convenes for a short session in June. State Sen. Timothy McDowell (D-Alamance), who co-sponsored the bill in the House before he was named to a Senate vacancy, says the bill would eliminate "all kinds of crazy laws" still on the books for no apparent reason.

State Rep. Daniel T. Blue (D-Wake), the principal sponsor of the bill, echoes McDowell's call for repeal of the out-of-date statutes. "Some of them are simply outmoded," says Blue. "They have remained on the books as a way potentially to harass people, and they should have been eliminated long ago. Some of those laws were just plain unfair."

But both Blue and McDowell blame delay of the criminal code revision bill on the legal profession itself. The criminal laws should be recodified, says McDowell, "But, unfortunately there are a lot of old lawyers out there who don't want to learn new law, and they're fighting it."

Still, Blue says it's possible the bill will regain momentum -- if not in the 1986 short session, then in the 1987 session. "You'll see it again in some shape or form," vows Blue.

Betts, the author of the article, also explains that North Carolina has good company among other states, counties, and cities when it comes to adopting strange laws. The article includes a sampling of the best -- or worst -- dumb laws from other places. For instance:

In Brooklyn, it's illegal for donkeys to sleep in the bathtub.

In Berkeley, it's illegal to whistle for an escaped bird before 7 a.m.

It's against the law to carry an unwrapped ukulele on the streets of Salt Lake City.

It's a crime for dead jurors to serve on juries in Oregon.

Then there's the Trenton Pickle Ordinance, which makes it illegal to throw tainted pickles in the street.

And finally, Kentucky state law requires that every person take a bath at least once a year -- whether they need it or not.

The N.C. Center for Public Policy Research is an independent research and educational organization based in Raleigh. It was founded in 1977 to study important public policy questions in North Carolina. The Center receives general operating support from the Mary Reynolds Babcock and the Z. Smith Reynolds Foundations, 62 corporate contributors, and 600 individual members. Past research by the Center includes a study of all the boards and commissions in the executive branch of state government, a guide to the legislature, and an examination of insurance regulation by the state.

For further information on "Strange Laws Enacted by the N.C. General Assembly," call Insight associate editor Jack Betts or Center director Ran Coble at (919) 832-2839. Copies of the magazine may be obtained for \$6.00 from the Center at P.O. Box 430, Raleigh, NC 27602.